

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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DAVID J. BEAULIEU,

Plaintiff,

Case No. 24-cv-964-pp

v.

ANDREW HERRMANN, ZEKE WIEDENFELD,  
SGT. JOSEPH ECKLUND and DETECTIVE GLENN NETTESHEIM,

Defendants.

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**ORDER OF RECUSAL ADDRESSING PLAINTIFF'S RESPONSE REGARDING  
DEFENDANTS' MOTION TO DISMISS (DKT. NO. 10)**

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**I. Defendants' Motion to Dismiss**

On September 19, 2024, the defendants filed a motion to dismiss and supporting documents. Dkt. Nos. 5-7. Along with their motion, the defendants filed a certificate of service, which indicates that they mailed a copy of their attorney's notice of appearance (Dkt. No. 3), a copy of their disclosure statement (Dkt. No. 4) and the motion to dismiss and supporting documents (Dkt. Nos. 5-7) to the defendant at N858 Daisy Dr., Genoa City, WI 53128. Dkt. No. 5-1

The court issued an order notifying the plaintiff that by the end of the day on October 10, 2024, he could either respond to the defendants' motion or file an amended complaint. Dkt. No. 8. The court sent the order to the plaintiff at N959 Daisy Dr., Genoa City, WI 53128. The plaintiff obviously received it because he filed a "response" to the court's order, informing the court that he

had not received the defendants' September 19, 2024 filing and asking the court to order the defendants to provide him a copy of the motion and to extend his time to respond. Dkt. No. 10.

On October 3, 2024, in response to the plaintiff's statement that he had not received the September 19, filing, the defendants' attorney filed a letter stating that the filings the defendants had mailed to the N858 Daisy Dr. address had been returned but noting that the plaintiff has used three different addresses in his various filings: the N858 Daisy Dr. address (Dkt. No. 1 at 1, Dkt. No. 1-1, Dkt. No. 2 at 1, Dkt. No. 9); the N959 Daisy Dr. address (Dkt. No. 1 at 23, Dkt. No. 9-1); and 3279 County Road H, Lake Geneva, WI 53147 (Dkt. No. 10-1). Dkt. No. 11 at 1-2. The defendants state that they since have mailed copies of all their filings to the plaintiff at the N959 Daisy Dr. and 3279 County Road H addresses. Id. at 2.

## **II. Conflict of Interest**

On September 27, 2024, the court received from the plaintiff a letter reminding the undersigned that, as a criminal defense attorney, she had represented the plaintiff "in a criminal matter in 2000, case number 2000-CF-437." Dkt. No. 9. After checking CCAP, the court determined that the undersigned *had* represented the plaintiff, but in a different case—State of Wisconsin v. David J. Beaulieu (Walworth County Case No. 1999CF000139). The court appreciates the plaintiff's notification of the possible conflict (and his statement that he has no objection to the court presiding over the case). The court agrees that because the undersigned acted as the plaintiff's counsel in

the past, there exists either a conflict or the appearance of one. The undersigned will recuse herself from this case.

### **III. Conclusion**

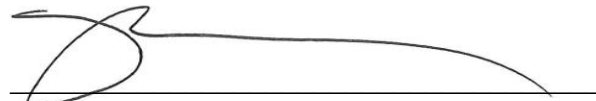
The court **ORDERS** that by the end of the day on **October 31, 2024**, the plaintiff must file either an amended complaint or a response to the defendants' motion to dismiss.

Under 28 U.S.C. §455(a) and Canon 3(C)(1) of the Code of Conduct for United States Judges, Chief Judge Pamela Pepper recuses herself from further participation in this case.

The court **ORDERS** that the Clerk of Court randomly assign this case to another judge in the Milwaukee Division of the Eastern District of Wisconsin.

Dated in Milwaukee, Wisconsin this 8th day of October, 2024.

**BY THE COURT:**

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

**HON. PAMELA PEPPER**  
**Chief United States District Judge**